

REMARKS

This paper is responsive to the Advisory Action dated May 11, 2009 and concurrent with a Request for Continued Examination (RCE). By this paper, claims 67 and 68 have been added. Claims 1-26 stand cancelled pursuant to a requirement for restriction/election. No new matter has been added. Claims 27-68 remain pending in this application. In view of the following remarks, Applicants request further examination and reconsideration of the present patent application.

REQUEST FOR RECONSIDERATION

In the Advisory Action, the Examiner indicated that the request for reconsideration had been considered but failed to place the application in condition for allowance because the Affidavit submitted by Applicants on April 14, 2009 was not timely filed. Applicants therefore file this Request for Continued Examination and resubmit for the Examiner's consideration the materials previously submitted.

35 USC 102

In the Final Office action, the Examiner rejected claims 27-29, 47 and 48 under 35 U.S.C. 102(e) as being anticipated by Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed"). Applicants respectfully traverse these rejections.

Applicants respectfully submit that Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47 and their dependent claims 28, 29 and 48. Upon removal of Breed as a prior art reference under 35 USC 102(e), Applicants submit that the pending claims are in condition for allowance.

Removal of Breed Pursuant to 37 C.F.R. §1.131

In view of Applicants' earlier date of invention of the subject matter disclosed and claimed in the present application, Applicants have chosen to remove the Breed reference pursuant to 37 C.F.R. § 1.131. Under Rule 131, Applicants may overcome a prior art rejection by filing an appropriate declaration that establishes invention of the claimed subject matter by Applicants prior to the effective date of the reference relied upon in the rejection. Prior invention may be shown by proving actual reduction to practice prior to the effective date of the reference.

Applicants respectfully submit that the declaration submitted with this response under 37 C.F.R. § 1.131 establishes prior inventorship with regard to the Breed reference. Further, the declaration submitted with this response under 37 C.F.R. § 1.131 removes Breed as proper prior art against the present application. Accordingly, Applicants submit the enclosed Rule 131 Declaration, signed by Joseph Salvo clearly demonstrates that the invention disclosed and claimed in the present application was conceived and actually reduced to practice prior to the effective date of the Breed reference.

The effective date of Breed is June 11, 2002. In paragraph 4 of the attached Rule 131 Declaration, Joseph Salvo declares that the subject matter disclosed and recited in pending claims 27-29, 47 and 48 of the above-referenced application was conceived and actually reduced to practice by Applicants at least prior to June 11, 2002. This conception and reduction to practice is evidenced by the GE Patent Disclosure Letter titled, "Intelligent e-tags and their applications," a true and accurate redacted copy of which is filed concurrently herewith as Exhibit A. Further, the conception and reduction to practice is also evidenced by a GE presentation, a true and accurate redacted copy of which is filed concurrently herewith as Exhibit B. All of the features recited in the pending claims 27-29, 47 and 48 are disclosed in the referenced Patent Disclosure Letter and the GE presentation. In view of the foregoing, Applicants submit that subject matter disclosed and claimed in the pending claims 27-29, 47 and 48 was conceived and actually reduced to practice at least prior to the June 11, 2002 effective filing date of Breed.

Accordingly, in view of Applicants' earlier conception and reduction to practice, Applicants respectfully request that the Examiner remove Breed from consideration and withdraw all outstanding rejections based on Breed.

35 USC §103

The Examiner rejected claims 30-32, 36, 39, 49, 50, 55 and 58 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed").

As discussed above, Breed is not a proper prior art reference 35 U.S.C 102(e) due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. Since claims 30-32, 36 and 39 depend directly or indirectly from claim 27, Applicants submit that claims 30-32, 36 and 39 are allowable by virtue of their dependency from an allowable base claim, as well as for the subject matter they separately recite. Further, since

claims 49, 50, 55 and 58 depend directly or indirectly from claim 47, Applicants submit that claims 49, 50, 55 and 58 are allowable by virtue of their dependency from an allowable base claim, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 30-32, 36, 39, under 35 USC §103(a) be withdrawn.

The Examiner rejected claim 59 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed") in view of official notice as applied to claim 58 above, and further in view of Ulrich et al. (US Patent Number 6,344,794, hereinafter "Ulrich").

As discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claim 47. In addition, Ulrich fails to obviate the deficiencies in the teachings of Breed. Claim 59 depends directly or indirectly from claim 47, and is allowable by virtue of its dependency from an allowable base claim, as well as for the subject matter it separately recites. Thus, it is respectfully requested that the rejection of claim 59 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 33-35 and 51-54 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed") in view of Ulrich et al. (US Patent Number 6,344,794, hereinafter "Ulrich").

Here again, as discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. In addition, Ulrich fails to obviate the deficiencies in the teachings of Breed. Applicants submit that since claims 33-35 depend directly or indirectly from claim 27, and claims 51-54 depend directly or indirectly from claim 47, thus claims 33-35 and 51-54 are allowable by virtue of their dependency from allowable base claims, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 33-35 and 51-54 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 37, 38, 56 and 57 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed").

As discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. Applicants submit that claims 37 and 38 depend directly or indirectly from claim 27, and claims 56 and 57 depend directly or indirectly from claim 47, thus claims 37, 38, 56 and 57 are allowable by virtue of their dependency from allowable base claims, as well as for the subject

matter they separately recite. Thus, it is respectfully requested that the rejection of claims 37, 38, 56 and 57 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 40, 41, 46, 60, 61 and 66 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed") in view of Katagishi et al. (US Patent Publication Number 2003/0120745, hereinafter "Katagishi").

As discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. In addition, Katagishi fails to obviate the deficiencies in the teachings of Breed. Applicants submit that claims 40, 41 and 46 depend directly or indirectly from claim 27, and claims 60, 61 and 66 depend directly or indirectly from claim 47, thus claims 40, 41, 46, 60, 61 and 66 are allowable by virtue of their dependency from allowable base claims, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 40, 41, 46, 60, 61 and 66 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 42-44 and 62-64 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed") in view of Katagishi et al. (US Patent Publication Number 2003/0120745, hereinafter "Katagishi") as applied to claims 40 and 60 above, and further in view of official notice.

As discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. In addition, Katagishi fails to obviate the deficiencies in the teachings of Breed. Applicants submit that claims 42-44 depend directly or indirectly from claim 27, and claims 62-64 depend directly or indirectly from claim 47, thus claims 42-44 and 62-64 are allowable by virtue of their dependency from allowable base claims, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 42-44 and 62-64 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 45 and 65 under 35 U.S.C 103(a) as being unpatentable over Breed (US Patent Publication Number 2003/0227382, hereinafter "Breed") in view of Katagishi et al. (US Patent Publication Number 2003/0120745, hereinafter "Katagishi") and further in view of Radican (US Patent Number 6,148,291, hereinafter "Radican").

As discussed above, Breed is not a proper prior art reference due to Applicants' prior invention of the subject matter set forth in the presently rejected independent claims 27 and 47. In addition, Katagishi even in combination with Radican fail to obviate the deficiencies in the

teachings of Breed. Applicants submit that claim 45 depend directly or indirectly from claim 27, and claim 65 depend directly or indirectly from claim 47, thus claims 45 and 65 are allowable by virtue of their dependency from allowable base claims, as well as for the subject matter they separately recite. Thus, it is respectfully requested that the rejection of claims 45 and 65 under 35 USC §103(a) be withdrawn.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 USC 103.

NEW CLAIMS 67 AND 68

By the present response, Applicants submit new claims 67 and 68 to clarify features of the unique identification information, and to expedite prosecution. Also, claims 67 and 68 recite subject matter that clarifies the features of the unique identification information. Support for the new claims 67 and 68 may be found at page 9 of the present application. No new matter has been added.

Summary

For the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and allowance of the application are, therefore, respectfully requested.

If the Examiner believes that anything further is necessary to place the application in better condition for allowance, the Examiner is kindly asked to contact Applicants undersigned representative at the telephone number below.

Respectfully submitted,

/Patrick Patnode/
Patrick K. Patnode
Reg. No. 40,121

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Niskayuna, New York 12309
Telephone: (518) 387-5286
May 19, 2009

GE Patent Disclosure Letter System

DOCKET NUMBER

30011

DOCKET DATE

Monday, December 10, 2001

TITLE OF INVENTION

Intelligent e-tags and their applications

GE TECHNOLOGY AREA(S)

Keywords:

Keywords:

EXHIBIT A
IN SUPPORT OF DECLARATION
OF
JOSEPH SALVO
UNDER 37 C.F.R. 1.131
(REDACTED)

[REDACTED]

[REDACTED]

[REDACTED]

Keywords:

[REDACTED]

[REDACTED]

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Keywords:

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PROJECT NAME

[REDACTED]

PROJECT NUMBER

[REDACTED]

PROJECT LEADER

[REDACTED]

[REDACTED]

4/1/2009

BUSINESS OR ORG. CONTACT INFORMATION

NAME

PHONE NUMBER

Circumstances Invention Conceived i.e., described in patent notebook (include page #), technical report, letter, discussed in meeting minutes, etc.
Some ideas came up at intelligent sensors brainstorming session. Some ideas were generated through experimentation with RFID tags and through implementation of an RFID proof-of-concept project.

ABSTRACT OF THE INVENTION

Please write a brief explanation of the invention (Limit to 350 words)

We propose to develop intelligent e-tags (or called functional e-tags) that have at least one of following functions: 1) RFID (radio frequency identification) with sensor capability (sensor tags); 2) RFID with signal processing and/or decision making capability; 3) RFID with tag-to-tag communication capability; and 4) RFID with ultra-low or self-power capability. In general, a RFID tag means an electronic device that can communicate specific identification information through radio frequency communications techniques. Incorporating/integrating sensor capability greatly expands RFID tag's capability in the following ways: 1) It not only stores and communicates its ID information, but also its environment conditions. There are a variety of chemical, physical and biological sensors that can be integrated with RFID tags. These sensor tags can be used for monitoring the location, activity or/and conditions of the tracked assets, machines or processes. For example, a vibration e-tag by combining a vibration sensor and RFID tag can be used to report the vibration level of a heavy machine. 2) Its RFID communication can be controlled by its sensor signals. For example, a speed tag can activate the tag power and record/broadcast its speed once the tag reaches a pre-set speed. The signal processing and decision making (SPDM) capability is very important for distributed signal

processing and pervasive informatics. SPDM system can either be a modular unit or an integrated board on the tag. With SPDM, processed data, rather than raw data, are stored or sent out. Better yet, a decision is sent out to a control unit for automated operation. Tag-to-tag communication enables two-way data sharing, thus localized diagnostic and control. Different tags with different sensing capabilities and decision logic will enable cross-analysis of a matrix of information in a collaborative fashion, rather than singular sensor data analysis. Self-powered or micro/nano-powered tags are critical for tag life. By self-powered, we mean the power source being acquired from the environment, rather than battery. Examples of self power are power generated from temperature gradient, pressure difference, vibration, movement, radio wave background, light, and wind. It can also be considered to use trace level radioactive material without any harm to people to power the tags.

BACKGROUND OF THE INVENTION

Please describe the problem or requirement addressed by your invention.

Current RFID devices are mainly a 'license plate' or self-identification devices with limited wireless communication capability. There are many applications where this identification information is inadequate. Some advanced RFID tags may possess memory and/or writable functions. The most advanced RFID tags may even have temperature or power sensing capability. However, there are needs where users may want to know the environmental conditions of the tags or to regulate tag's operation based on specific parameters being monitored. For example, users may want to know whether his delicate shipment has been tilted outside specifications or whether his precision instrument has experienced any impact. Another example would be that a tag may signal if its pressure reading exceeds a pre-determined value - such signal may be either visible, audible, or a combination. Currently, sensors are usually hard wired (point-to-point) and do not indicate identification information. Wiring sensors for power and/or communication is not only expensive, but may also be impossible in many cases. Two-way communication between sensors is critical for localized diagnostics and control. Two-way communication is also important to achieve data reliability with minimum sensors. In the remote service industry where machine health condition is assessed through the sensor data, it is common practice to increase data reliability through the use of multiple sensors for one target variable. This sensor redundancy results in high installation costs and sometimes forces product design change. There are two types of data that are generic to all product and important for most of service industry: one is

static data such as product material, manufacturing date, and product specifications, another one is dynamic data such as operation conditions, and performance parameters. The first type of data can be addressed by an identification code (such as serial number) that may be conveyed through a barcode or a RFID. The second type of data can be obtained by combining local sensor readings and RFID identification codes.

How has this problem or requirement been addressed before?

Product or material identification has been done by physical marking, paper labeling, barcoding or RFID devices. Marking and labeling require extensive manual operation with great potential for error. Barcoding greatly reduces entry errors and speeds up data flow, but still requires manual operation. RFID automates the identification process and can record both static and dynamic information. Operation conditions and environmental parameters can be monitored by many types of sensors. Those sensors can be either integrated into an existing product or produced as add-on devices. Those sensors are usually wired for external power and communication to a collection box such as a computer.

Please list any relevant literature or patents of which you are aware.

DETAILED DESCRIPTION OF THE INVENTION

How does your invention work?

The proposed intelligent e-tags (or called functional e-tags) will have some or all of following features: 1) Wireless identification and sensor data transmission through radio frequency communication 2) signal processing and/or decision making capability, 3) tag-to-tag communication capability; and 4) ultra-low or self-power capability. An intelligent tag will be manufactured by either integrating sensors and RFID tag into one simple chip or by attaching miniature sensors to a special RFID tag that has A/D, processing or/and memory capabilities. Intelligent tags differ from current RFID tags in many aspects. First, they not only store and communicate their ID numbers, but also their environment conditions. Furthermore, the RF communication can be controlled by a designed sensor signal, or the sensor

4/1/2009

operation can be controlled by the RF communication. Lastly, intelligent e-tags can conduct two-way communications. Please read appendix 1 for continuation.

Describe the important features of your invention and explain how to use this invention to solve the problems described above.

The most important feature is that intelligent e-tags combine identification, monitoring, processing and wireless communication together. Such an e-tag will enable pervasive informatic networks that will greatly enhance supply chain efficiency and revolutionize the product service industry.

What advantages are provided by your invention?

The advantages are: 1) Tags not only provide ID but also targeted sensor data; 2) Tags with data processing capability (or signal conditioning capability); 3) RFID and sensor can be inter-controllable; 4) tags with two-way communication; and 5) Tags with self-power capability.

Briefly describe any efforts to make a prototype of your invention or to test your invention. Additionally, summarize the results of any related experiments and testing and highlight any results of particular significance.

We have constructed two functional tags by combining a force sensor and a tilt sensor to an active RFID tag with memory. By applying forces to the force sensor, we can receive the force data wirelessly using a handheld device. The same is achieved for the tilt tag. We are in the process to design a collision tag by integrating an accelerometer with a RFID tag. The tag will be in an inactive mode, but will begin transmitting when there is a collision and the related data (date, time, collision level, collision direction, etc) will be recorded.

4/1/2009

[illegible]

PAGE 26/38 * RCVD AT 5/19/2009 1:22:01 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/9 * DNIS:2738300 * CSID:18667811604 * DURATION (mm-ss):44-42

EXHIBIT B

TW SUPPORT OF DECLARATION OF JOSEPH SALVO UNDER

37 C.F.R.
6.121

(REDACTED)

SCOPE - STAG/MANAGEMENT SYSTEM - ST/GEN

Use stage on all STAG/MANAGEMENT shipped to Project Sites/Implementation Schedule 30-40/91

Examine Advanced (R/P) Tag functionality with CRO to apply to existing CRO's process.

Validate Benefits to Support Further Roll-out to MSB Material (Full Rollout - 10/92)

Fig. 4.2 - STAG/MANAGEMENT System

Consolidation of ALL Project Material Data (ST/ST/GEN - 4/90)

Leverage existing technology within CRO application

MSBP focuses on later integration into existing CRO/overcom application

Schedule of Deliverables

Equipment System - Proof of Concept	8/1/91
Functional tag demonstration	8/1/91
Site Review - Allocate budget for 92	10/15/91
Rollout (ST/GEN-91)	MSB 10/31/91 - 12/31/91

Cost Benefit Summary

Incremental Program Benefits/ savings (\$/tag)

(continued)

Key Success Factors - Metrics

ST/GEN-MATERIAL PILOT

Track 100% ST/GEN utilization with CRO's/Support Project Sites

of OE Field Personnel & Customers performing electronic equipment inventories

Reduction in time directed, lost or misusing material shipped to Project Sites

STAG/MANAGEMENT SYSTEM - (ST/ST/GEN, MSB)

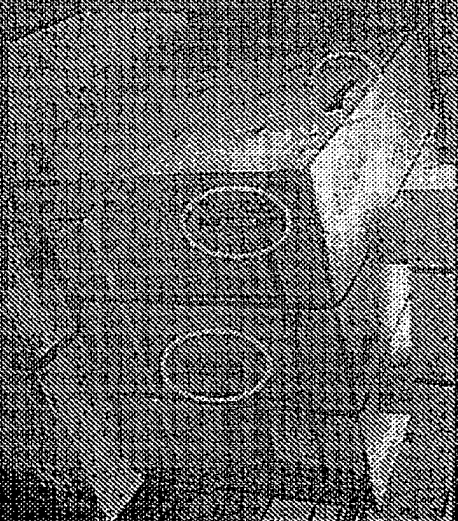
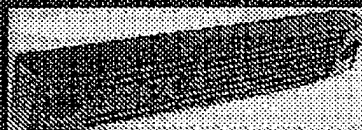
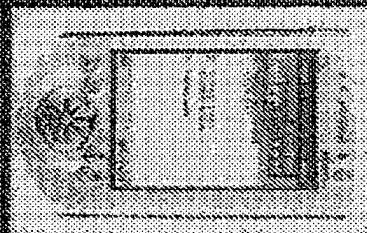
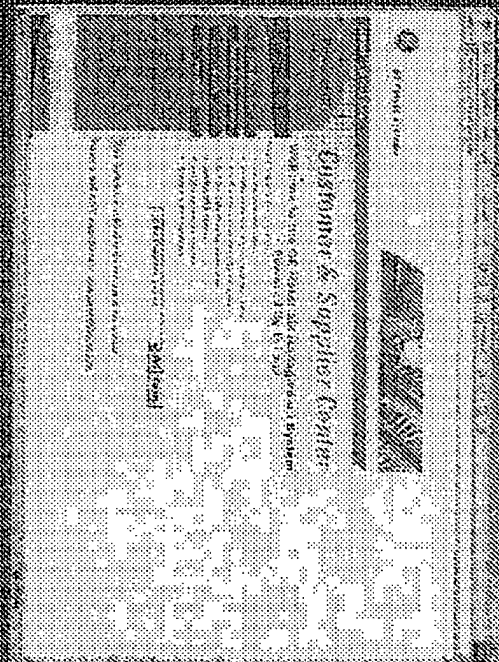
100%

Interdependencies

Integrated electronic systems (MS)

Site connectivity

CAD - VME/386/486



Material currently shipping with etags to Test Durability/Reliability.



Rapidly Evolving To Proof of Concept, Need Resources to Complete.



Project: e-Logistics Materials Management 2003

Objectives:

Demonstrate and implement an e-log technology based solution that will provide a 24/7 global material management system. Provide a One-Stop Shop Web Application for all Procurement related Data (ST, ST/DET, MSD material). Function e-log solution applicable to process global supply chain, on-demand inventory tracking and other services.

Technical Approach

A) Shipping Facilities:

As the shipped materials are loaded into a vessel, they are automatically recorded into a vessel log which is a secure globally accessible capability via Visual CO and the output. The log is entered onto a copy of the shipping line company's log which is attached. Shipping data is synchronized to a material management system under CPO's development.

B) Customer Site:

As the information on the global customer's call, a local customer's material management will have each day's log to compare all the customer's data entered. Modification will be limited to all the data on the web site. A handheld reader will enable on-site field engineers to interface concepts of each track with the project information. The global material management and hand reader will help on-site engineers to locate tracked items.

C) Information Infrastructure:

Handheld and Web architecture and software design to support material management internet application. e-log engineering development.

Global Material Management

Global Material Management

Global Material Management is a web-based application that provides a global view of material management data. It is designed to be used by customers and suppliers to track material management data across the supply chain. The application is designed to be used by customers and suppliers to track material management data across the supply chain. The application is designed to be used by customers and suppliers to track material management data across the supply chain.

Functional Tags

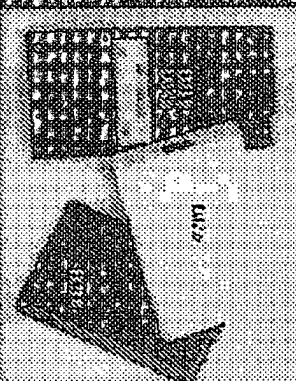
Proposed Devices to be used during

Basic Functions:

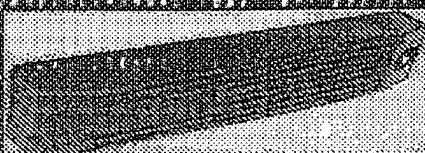
- ID
- Data Processing
- Memory
- Wireless
- Read/Write
- Locating Device

Functional Tags:

- Documents - Maintenance History / Records
- Storage - Packing List / BOM
- Temperature - Temperature History / Control
- Tamper - Security access control
- Vibration - Machine vibration analysis / condition monitoring
- Accelerometer - Collision record & compliance monitoring
- Level - Height or liquid level monitoring
- Chemical - Detection of methane, smoke, etc.
- GPS - Global tracking, truck routing record
- Tire - Shipping & operation compliance



RFID tags are available in many sizes and shapes.



(Size, comparable to small straw)



(Size, thickness similar to business card)

Highly durable, long read range and low profile tags are now available.

Wireless Devices

Proposed Devices to be used

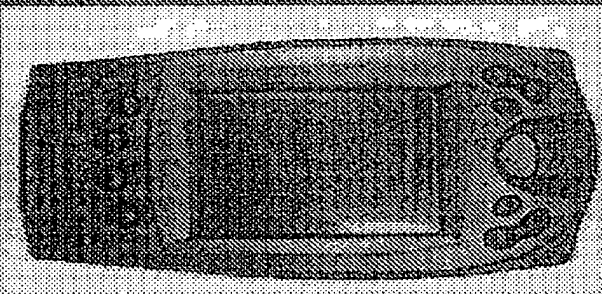
Basic Functions:

- Graphical Device Interface
- Touch-screen Windows Interface
- Windows CE

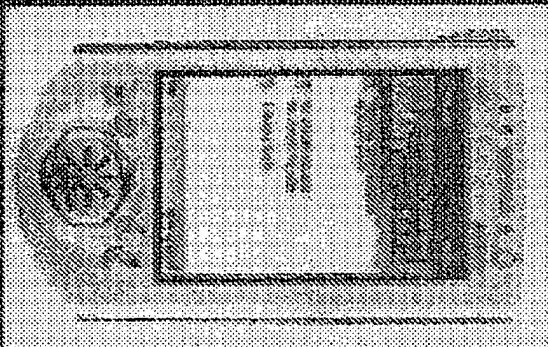
Current Functions:

- Bar Code Scanner—Reads standard bar code formats
- RFID—Reads and writes radio frequency ID data
- Wireless Communication—Connects to wireless LAN
- Data Logging—Records scanned date

HANDHELD RFID READERS



Symbol



Ipadq 3600 Series

Develop Platform Independent Applications, Use "Best-In-Breed" Hardware

efag

SCM STICGEN

MSD Vendors (approx 2-3 vendors)

Shipping list
ECM
Material 10,000



- Log add on functionality to transportation company
- Accelerate inventory, record shipping damages
- Temperature sensors record data on temperature sensitive material
- Data storage allows recording of maintenance performed

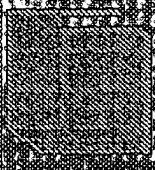


Placed on cargo

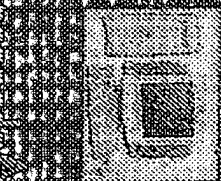
Handheld devices and or desktop computer

Routing Center

Similar supply chain application

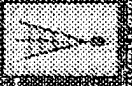
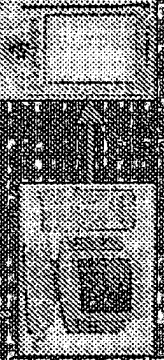
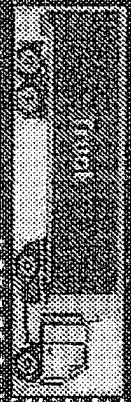


Deliveries made all throughout the RC/Vel system



Info is recorded in database. Data provides real time answers to inquiries and project related personnel

Active and object site verification in system

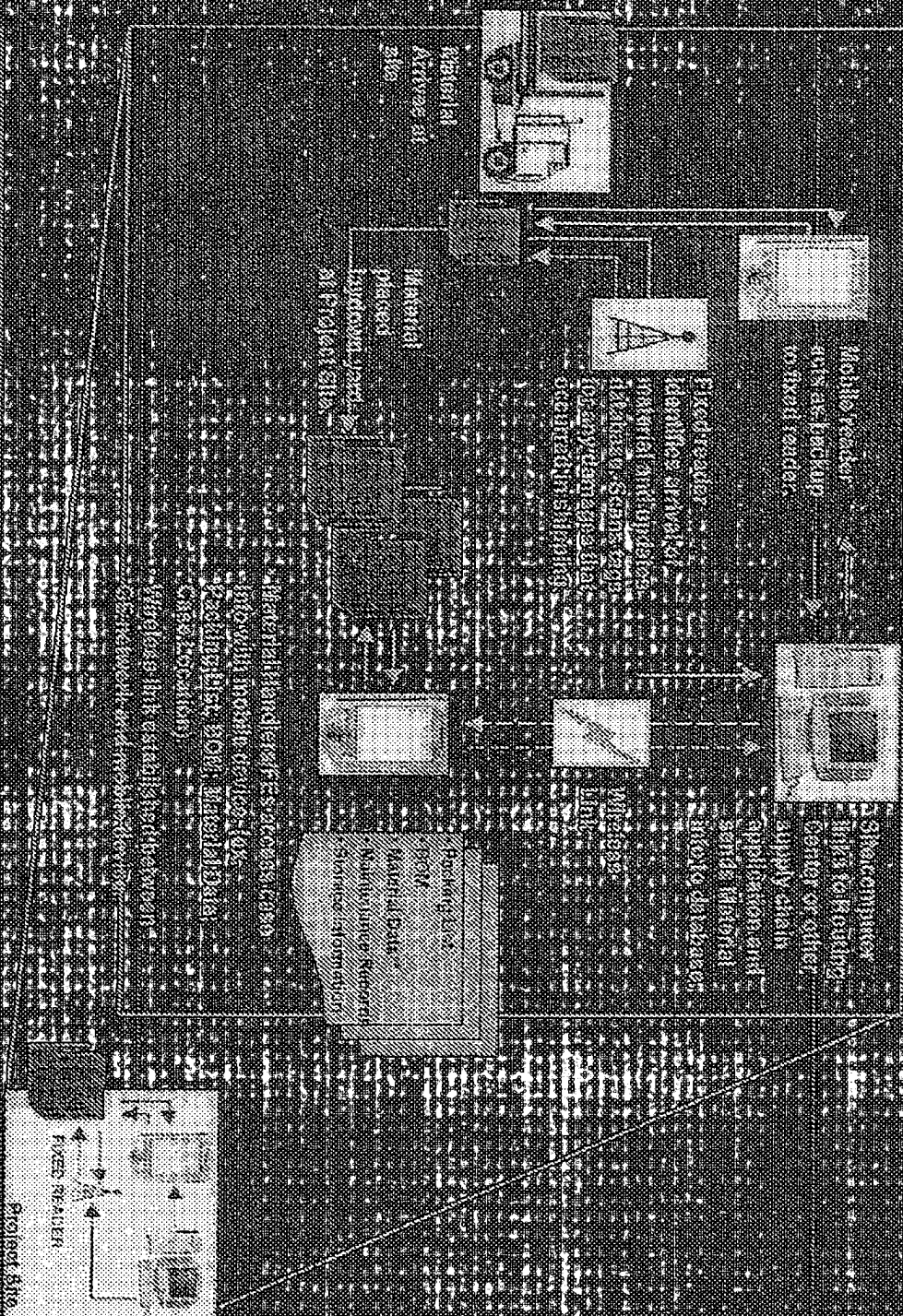


Project Site

Leverage existing infrastructure

Tag Proposed

Project Site



True Value is Enabling the Field Point Access to GEP's Data Resources.

Green Bell Project of the Month - A202963

4/01

Materials Management Program

4/01 (Pilot)

MMMR 1.0

MMMR 2.0

Packing Unit

Stage

Problem Statement / Project Scope

Lack of visibility on material supply chain
 Difficult to identify loss, missing or misdirected material
 Conduct manual documentation of material

Solution Selected

Coverage Logistics Routing Center
 Quick implementation
 Minimal in-work to develop application
 Simple web application
 Internet-based web application

Benefit Summary

Benefits

Savings Type: Cost Reduction

2000	2001	12 mos
Equip Mfgs		
Extrude Mfgs		
Total Benefit		

Digitization Quick Win: Building Block for a Global Materials Management System

Next Generation Materials Management

4/01

Materials Management Program

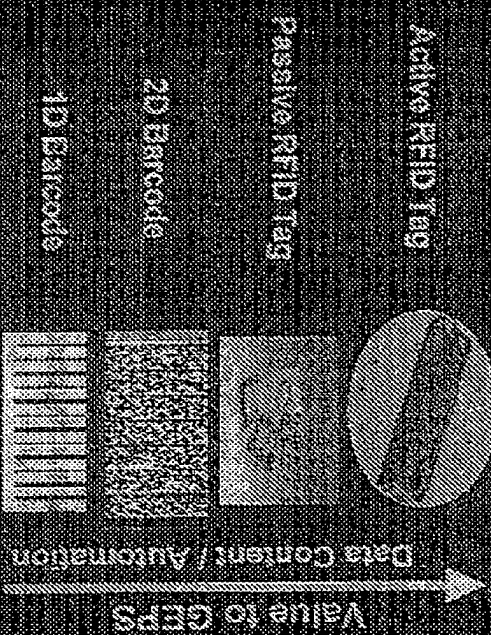
4Q'01 (Pilot)



Problem Statement / Project Scope

- No Standardized Material Management Methods.
- Project Site Productivity Wasted On Material Issues (Finding Material).
- Lack of Global Availability of Material Inventory Status/Information.
- Need for 'Real-Time' Delivery Verification.
- Lack of Field Site Configuration Management & Data Capture.

Possible Solutions



Next Actions

- Reviewing MCBP with Business.
- Identifying Target Cost / Benefits.
- Pilot - 3Q SCHEN ST/GEN Material.

Functional RFID eTags Capability

- Documents
- Storage
- Temperature
- Vibration
- Accelerometer
- GPS
- Chemical
- After Market

Change from Customer "Cost Element" To "Added Value" Element. Cycle, \$\$. Info.